

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Joshua Lynn Robinson,)	
)	C.A. No. 6:24-1749-HMH-KFM
Plaintiff,)	
)	
vs.)	OPINION & ORDER
)	
Michael Kimbler,)	
)	
)	
Defendants.)	

This matter is before the court with the Report and Recommendation of United States Magistrate Judge Kevin F. McDonald in accordance with 28 U.S.C. § 636(b) and District of South Carolina Local Civil Rule 73.02. Plaintiff, proceeding pro se, brings this 42 U.S.C. § 1983 action alleging that Defendants violated his constitutional rights. In his Report and Recommendation filed on May 20, 2024, Judge McDonald recommended denying Plaintiff’s motion for a preliminary injunction and temporary restraining order. (R&R 1, ECF No. 21.)

Plaintiff filed timely objections to the report and recommendation.¹ Objections to a report and recommendation must be specific. A report and recommendation carries no “presumptive weight,” and the responsibility for making a final determination remains with the court. Mathews v. Weber, 423 U.S. 261, 271 (1976). The court reviews de novo “those portions of the report . . . to which objection is made” and “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge” or “recommit the

¹ Plaintiff filed a motion for preliminary injunction and a temporary restraining order in two civil cases, the instant case and 6:24-2136. In his objections, Plaintiff only lists case 24-2136. Out of an abundance of caution, the court will consider the objections filed in 24-2136 in the instant case as well.

matter . . . with instructions.” 28 U.S.C. § 636(b)(1). “To trigger de novo review, an objecting party ‘must object to the finding or recommendation on that issue with sufficient specificity so as reasonably to alert the district court of the true ground for the objection.’” Elijah v. Dunbar, 66 F.4th 454, 460 (4th Cir. 2023) (quoting United States v. Midgette, 478 F.3d 616, 622 (4th Cir. 2007)). In the absence of specific objections, the court reviews only for clear error, Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005), and need not give any explanation for adopting the report, Camby v. Davis, 718 F.2d 198, 200 (4th Cir. 1983).

Upon review, Plaintiff has not filed any specific objections to the substance of the magistrate judge’s findings or conclusions. Therefore, having reviewed the Report and Recommendation, the court adopts Judge McDonald’s Report and Recommendation and incorporates it herein.

It is therefore

ORDERED that Plaintiff’s motion for a preliminary injunction and a temporary restraining order, docket number 19, is denied.

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
Senior United States District Judge

Greenville, South Carolina
June 12, 2024

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.